

**Introduced by Senator Grayson**  
**(Coauthors: Senators Archuleta, Arreguín, Ashby, Blakespear,**  
**Caballero, Cortese, Gonzalez, McNerney, Menjivar, Reyes, Wahab,**  
**and Weber Pierson)**  
(Coauthor: Assembly Member Wicks)

February 3, 2026

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An act to amend Section 46392 of the Education Code, relating to education finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 959, as introduced, Grayson. Average daily attendance: emergencies: major safety hazard.

For purposes of state apportionments based on average daily attendance, as provided, if the average daily attendance of a school district, county office of education, or charter school has been materially decreased during a fiscal year because of a specified emergency, including, among others, the imminence of a major safety hazard as determined by a local law enforcement agency, existing law requires the Superintendent of Public Instruction to estimate the average daily attendance in a manner that credits to the school district, county office of education, or charter school approximately the total average daily attendance that would have been credited to the school district, county office of education, or charter school had the emergency not occurred.

This bill, for the above-described purposes, would additionally allow a local fire agency to make a determination of the imminence of a major safety hazard.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 46392 of the Education Code is amended  
2 to read:  
3 46392. (a) If the average daily attendance of a school district,  
4 county office of education, or charter school during a fiscal year  
5 has been materially decreased during a fiscal year because of any  
6 of the following, the fact shall be established to the satisfaction of  
7 the Superintendent by affidavits of the members of the governing  
8 board or body of the school district, county office of education, or  
9 charter school and the county superintendent of schools:  
10 (1) Fire.  
11 (2) Flood.  
12 (3) Impassable roads.  
13 (4) Epidemic.  
14 (5) Earthquake.  
15 (6) The imminence of a major safety hazard as determined by  
16 the local law enforcement *or fire* agency.  
17 (7) A strike involving transportation services to pupils provided  
18 by a nonschool entity.  
19 (8) An order provided for in Section 41422.  
20 (9) Snowstorm.  
21 (b) (1) In the event a state of emergency is declared by the  
22 Governor in a county, a decrease in average daily attendance in  
23 the county below the approximate total average daily attendance  
24 that would have been credited to a school district, county office  
25 of education, or charter school had the state of emergency not  
26 occurred shall be deemed material. The Superintendent shall  
27 determine the length of the period during which average daily  
28 attendance has been reduced by the state of emergency.  
29 (2) The period determined by the Superintendent shall not extend  
30 into the next fiscal year following the declaration of the state of  
31 emergency by the Governor, except upon a showing by a school  
32 district, county office of education, or charter school, to the  
33 satisfaction of the Superintendent, that extending the period into  
34 the next fiscal year is essential to alleviate continued reductions  
35 in average daily attendance attributable to the state of emergency.

1 (3) Notwithstanding any other law, the Superintendent shall  
2 extend through the 2018–19 fiscal year the period during which it  
3 is essential to alleviate continued reductions in average daily  
4 attendance attributable to a state of emergency declared by the  
5 Governor in October 2017, for a school district where no less than  
6 5 percent of the residences within the school district or school  
7 district facilities were destroyed by the qualifying emergency.

8 (c) (1) The average daily attendance of the school district,  
9 county office of education, or charter school for the fiscal year  
10 shall be estimated by the Superintendent in a manner that credits  
11 to the school district, county office of education, or charter school  
12 for determining the apportionments to be made to the school  
13 district, county office of education, or charter school from the State  
14 School Fund approximately the total average daily attendance that  
15 would have been credited to the school district, county office of  
16 education, or charter school had the emergency not occurred or  
17 had the order not been issued.

18 (2) (A) From September 1, 2021, to June 30, 2022, inclusive,  
19 with the exception of a material loss of attendance for pupils who  
20 are individuals with exceptional needs, as that term is defined in  
21 Section 56026, whose individualized education program developed  
22 pursuant to Article 3 (commencing with Section 56340) of Chapter  
23 4 of Part 30 does not specifically provide for participation in  
24 independent study or pupils who are enrolled in community day  
25 schools pursuant to Article 3 (commencing with Section 48660)  
26 of Chapter 4 of Part 27, a school district, county office of  
27 education, or charter school shall not receive average daily  
28 attendance credit pursuant to this section for pupils that have been  
29 quarantined and are unable to attend in-person instruction due to  
30 exposure to, or infection with, COVID-19 pursuant to local or state  
31 public health guidance.

32 (B) Notwithstanding subparagraph (A), from September 1, 2021,  
33 to June 30, 2022, inclusive, a school district, county office of  
34 education, or charter school may receive average daily attendance  
35 credit pursuant to this section for school closures related to impacts  
36 from COVID-19 or material loss of attendance due to COVID-19  
37 related staffing shortages if the following conditions are established  
38 to the satisfaction of the Superintendent by affidavits of the  
39 members of the governing board or body of the school district,

1 county office of education, or charter school and the county  
2 superintendent of schools:

3 (i) The school district, county office of education, or charter  
4 school is unable to provide in person instruction to pupils due to  
5 staffing shortages as a result of staff quarantine due to exposure  
6 to, or infection with, COVID-19 pursuant to local or state public  
7 health guidance.

8 (ii) For certificated staff shortages, the school district, county  
9 office of education, or charter school has exhausted all options for  
10 obtaining staff coverage, including using all certificated staff and  
11 substitute teacher options, and has consulted with their county  
12 office of education and the Superintendent in determining that  
13 staffing needs cannot be met through any option.

14 (iii) For classified staff shortages, the school district, county  
15 office of education, or charter school has exhausted all options for  
16 obtaining staff coverage, including using all staff options, and has  
17 consulted with their county office of education and the  
18 Superintendent in determining that staffing needs cannot be met  
19 through any option.

20 (d) Notwithstanding any other law, for a school district or charter  
21 school physically located within a school district, where no less  
22 than 5 percent of the residences within the school district, or the  
23 school district’s facilities, were destroyed as a result of a state of  
24 emergency that was declared by the Governor in November 2018,  
25 all of the following shall apply:

26 (1) (A) In the 2020–21 fiscal year, for school districts, the  
27 Superintendent shall calculate the difference between the school  
28 district’s certified second principal apportionment local control  
29 funding formula entitlement pursuant to Section 42238.02 in the  
30 2020–21 fiscal year and the 2019–20 fiscal year and, if there is a  
31 difference, allocate the amount of that difference to the school  
32 district.

33 (B) In the 2021–22 fiscal year, for school districts, the  
34 Superintendent shall allocate an amount equal to 25 percent of the  
35 difference calculated in subparagraph (A) to the school district.

36 (C) In the 2022–23 fiscal year, for school districts, the  
37 Superintendent shall allocate an amount equal to 12.5 percent of  
38 the difference calculated in subparagraph (A) to the school district.

39 (2) (A) In the 2019–20 and 2020–21 fiscal years, for charter  
40 schools, the Superintendent shall calculate the difference between

1 the charter school’s certified second principal apportionment local  
2 control funding formula entitlement pursuant to 42238.02 in the  
3 current year and each respective prior year and, if there is a  
4 difference, allocate the amount of that difference to the charter  
5 school.

6 (B) In the 2021–22 fiscal year, for charter schools that operate  
7 a minimum of 175 school days and report at least 75 percent of  
8 the total second period average daily attendance for the 2019–20  
9 fiscal year, as described in Section 41601, the Superintendent shall  
10 allocate 25 percent of the difference calculated in subparagraph  
11 (A) to the charter school.

12 (3) For a county office of education funded pursuant to  
13 paragraph (1) of subdivision (g) of Section 2575 that has within  
14 the boundaries of the county school districts or charter schools  
15 affected pursuant to this subdivision and that has in the schools  
16 operated by the county office of education at least a 10-percent  
17 decrease in average daily attendance in the current fiscal year, in  
18 the 2019–20 and 2020–21 fiscal years, the Superintendent shall  
19 calculate the difference between the county office of education’s  
20 alternative education grant entitlement certified at the annual  
21 principal apportionment pursuant to Section 2574 in the current  
22 fiscal year and each respective prior fiscal year and, if there is a  
23 difference, allocate the amount of that difference to the county  
24 office of education.

25 (4) A school district may transfer funds received pursuant to  
26 paragraph (1) to the county office of education for the portion of  
27 the funds that represents pupils served by the county office of  
28 education who are funded through the school district’s local control  
29 funding formula apportionment pursuant to Section 2576.

30 (5) In each fiscal year, the allocations pursuant to this  
31 subdivision shall be made to school districts and charter schools  
32 by the Superintendent as soon as practicable after the second  
33 principal apportionment and to county offices of education as soon  
34 as practicable after the annual principal apportionment. The  
35 allocations made shall be final. The Superintendent may provide  
36 a preliminary allocation of up to 50 percent no sooner than the  
37 first principal apportionment.

38 (6) (A) The amounts described in this subdivision shall be  
39 continuously appropriated from the General Fund to the  
40 Superintendent for these purposes.

1 (B) For purposes of making the computations required by  
2 Section 8 of Article XVI of the California Constitution, the  
3 appropriation made by this subdivision shall be deemed to be  
4 “General Fund revenues appropriated for school districts,” as  
5 defined in subdivision (c) of Section 41202, for the fiscal year in  
6 which they are appropriated, and included within the “total  
7 allocations to school districts and community college districts from  
8 General Fund proceeds of taxes appropriated pursuant to Article  
9 XIII B,” as defined in subdivision (e) of Section 41202.

10 (e) Notwithstanding any other law, for a school district or charter  
11 school physically located within a school district, where no less  
12 than 5 percent of the residences within the school district, or the  
13 school district’s facilities, were destroyed as a result of a state of  
14 emergency that was declared by the Governor in September 2020,  
15 all of the following shall apply:

16 (1) For the 2021–22 fiscal year, for school districts, the  
17 Superintendent shall calculate the difference between the school  
18 district’s certified annual principal apportionment local control  
19 funding formula revenues pursuant to Section 42238.02 in the  
20 2021–22 fiscal year and the 2019–20 fiscal year, including local  
21 revenue, pursuant to subdivision (j) of Section 42238.02, and any  
22 additional funds received pursuant to subdivision (e) of Section  
23 42238.03 in excess of the entitlement calculated pursuant to Section  
24 42238.02 and 42238.03 and, if there is a difference, allocate the  
25 amount of that difference to the school district.

26 (2) For the 2021–22 fiscal year, for charter schools that operate  
27 a minimum of 175 school days and report at least 75 percent of  
28 the total second period average daily attendance for the 2019–20  
29 fiscal year, as described in Section 41601, the Superintendent shall  
30 calculate the difference between the charter school’s certified  
31 second principal apportionment local control funding formula  
32 revenues pursuant to Section 42238.02 in the 2021–22 fiscal year  
33 and the 2019–20 fiscal year, and, if there is a difference, allocate  
34 the amount of that difference to the charter school.

35 (3) School districts and charter schools shall notify the  
36 Superintendent of their eligibility pursuant to this subdivision by  
37 November 1, 2021, in the manner prescribed by the Superintendent.

38 (4) Preliminary allocations made pursuant to paragraph (1) shall  
39 be made to school districts by the Superintendent through the  
40 principal apportionment beginning with the 2021–22 fiscal year

1 first principal apportionment certification and shall be made final  
2 as of the annual principal apportionment.

3 (5) Allocations pursuant to paragraph (2) shall be made to  
4 charter schools by the Superintendent as soon as practicable after  
5 the second principal apportionment and shall be made final as of  
6 the annual principal apportionment. The Superintendent may  
7 provide a preliminary allocation of up to 50 percent no sooner than  
8 the first principal apportionment.

9 (f) Notwithstanding any other law, for a school district where  
10 a school eligible for funding pursuant to Article 4 (commencing  
11 with Section 42280) of Chapter 7 of Part 24 of Division 3 was  
12 destroyed as a result of a state of emergency that was declared by  
13 the Governor in August 2021, the following shall apply:

14 (1) The school district may continue to report the amount of  
15 attendance generated by pupils enrolled in another school of the  
16 school district that would have otherwise attended the destroyed  
17 school, and the number of full-time teachers employed by the  
18 school district that would have otherwise provided instructional  
19 services at the school, as if the school were operational in the  
20 2021–22, 2022–23, and 2023–24 fiscal years.

21 (2) The school shall be considered a necessary small school for  
22 the purpose of Section 42282 in the 2022–23 and 2023–24 fiscal  
23 years.

24 (g) (1) Notwithstanding any other law, paragraphs (2) and (3)  
25 shall apply for the following charter schools identified in  
26 subparagraph (A), (B), or (C) that were damaged, destroyed, or  
27 directly impacted, as a result of a state of emergency that was  
28 declared by the Governor in January 2025:

29 (A) Marquez Charter, Palisades Charter Elementary, and  
30 Palisades Charter High within the Los Angeles Unified School  
31 District.

32 (B) Aveson Global Leadership Academy, Aveson School of  
33 Leaders, Odyssey Charter, OCS - South, and Pasadena Rosebud  
34 Academy in the Pasadena Unified School District.

35 (C) Alma Fuerte Public in the City of Pasadena.

36 (2) For the 2025–26 fiscal year, for charter schools identified  
37 in paragraph (1) that operate a minimum of 175 school days, as  
38 described in Section 41601, the Superintendent shall calculate the  
39 difference between the charter school’s certified local control  
40 funding formula entitlement pursuant to Section 42238.02 as of

1 the annual principal apportionment in the 2025–26 fiscal year and  
2 the first principal apportionment in the 2024–25 fiscal year, and,  
3 if there is a difference, allocate the amount of that difference to  
4 the charter school.

5 (3) Allocations pursuant to paragraph (2) shall be made final as  
6 of the annual principal apportionment. The Superintendent may  
7 provide a preliminary allocation no sooner than the first principal  
8 apportionment.

9 (h) This section applies to any average daily attendance that  
10 occurs during any part of a school year.

11 SEC. 2. This act is an urgency statute necessary for the  
12 immediate preservation of the public peace, health, or safety within  
13 the meaning of Article IV of the California Constitution and shall  
14 go into immediate effect. The facts constituting the necessity are:

15 Due to the eminent danger of wildfires throughout the state and  
16 the need to address the safety of pupils on campuses in high  
17 wildfire danger areas, it is necessary for this act to take effect  
18 immediately.